

OP 1711

In re Fosse  
U.S. Ser. No. 08/932,227  
Attorney Docket No.: FOS-104

#10  
9-13-99



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **FOSSEL, Eric T.** Attorney Docket No.: **FOS-104**

Title: **TOPICAL DELIVERY OF L-ARGININE TO  
CAUSE BENEFICIAL EFFECTS**

Serial No.: **08/932,227** Art Unit: **1711**

Filed: **September 17, 1997** Examiner: **MULLIS, J.**

Assistant Commissioner of Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

The references listed on the attached form PTO-1449 relate to the subject matter of the present invention and are brought to the attention of the Patent and Trademark Office pursuant to 37 C.F.R. §1.56 and §1.98.

It should be noted that during the prosecution of the above referenced application, no Information Disclosure Statement was filed with the United States Patent and Trademark Office as of this date.

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Moreover, it should be noted that the undersigned attorney has asked the inventor to carefully review each of the articles cited by the Applicant in the Background of the Invention section of the specification of the instant application for relevance. The inventor has concluded that none of these references are relevant as they are all directed to background with respect to the use of NO delivery systems to cause vasodilatation. As none of these references are deemed relevant to patentability, an Information Disclosure Statement was not deemed necessary for this application up to this time.

It should also be noted that a U.S. application relating to this case was filed on September 17, 1997. This is U.S. Ser. No. 08/936,189 entitled TOPICAL AND ORAL ARGININE TO CAUSE BENEFICIAL EFFECTS. This application has an almost identical disclosure to the instant application with respect to the use of an hostile biophysical environment. An office action was issued by the United States Patent and Trademark Office on July 8, 1999 for this related pending application, 08/936,189. Enclosed for the Examiner's convenience is a copy of form PTO-892 from this office action. The applicant has also enclosed a copy of each reference cited in the July 8, 1999 office action. The reference cited is:

1. US 5,891,459 Cooke.

While this statement contains all of the relevant information presently known to applicants, it should not be interpreted as a representation that an exhaustive search has been conducted or that no other relevant information exists.

Moreover, the applicant invites the Examiner to make an independent evaluation of each cited reference to determine its relevance to the subject matter of the present application.

Presently, there is no fee required with this Information Disclosure Statement. Under 37. CFR § 1.97(c), an IDS shall be considered by the patent office if filed by the applicant after the period set forth in paragraph (b) of 37 CFR § 1.97 provided that the IDS is being submitted before the mailing date of either a final action under § 1.113, or a notice of allowance under § 1.311 whichever occurs first, and is accompanied by a statement as set forth in paragraph (e)(2) of 37 CFR § 1.97. Such a statement is enclosed herewith; therefore, the Applicant's IDS must be considered by the patent office.

Finally, the applicant urges that his claims patentably distinguish over all disclosed relevant information or any other combination thereof.

Respectfully submitted,

LORUSSO & LOUD

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Dated: August 27, 1999

CERTIFICATION UNDER C.F.R. § 1.8

I hereby certify that this Information Disclosure Statement is being deposited with the United States Postal Service on August 27, 1999 as postage pre-paid first class mail in an envelop addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Andrea Joy Korson  
Signature of Person Mailing Correspondence

Andrea J. Korson  
Typed Name of Person Mailing Correspondence



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: FOSSEL, Eric T. Attorney Docket No.: FOS-104

Title: TOPICAL DELIVERY OF L-ARGININE TO  
CAUSE BENEFICIAL EFFECTS

Serial No.: 08/932,227 Art Unit: 1711  
Filed: September 17, 1997 Examiner: MULLIS, J.

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

**STATEMENT UNDER 37 CFR § 1.97(e)(2)**

Pursuant to 37 CFR § 1.97(e)(2) the undersigned attorney acting as the  
empowered representative of the applicant in the above referenced application  
makes the following statement:

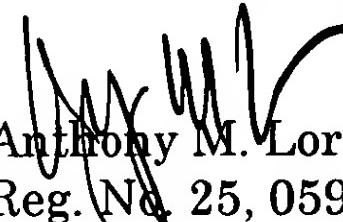
No item of information contained in the information disclosure statement was cited  
in a communication from a foreign patent office in a counterpart foreign  
application, and to the knowledge of the person signing the statement after making  
reasonable inquiry, no item of information contained in the information disclosure  
statement was known to any individual designated in § 1.56(c) more than three

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months prior to the filing of the information disclosure statement. Specifically, the reference was cited in an office action issued by the United Stated Patent and Trademark Office on July 8, 1999.

Respectfully submitted,

LORUSSO & LOUD

  
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Dated: August 27, 1999

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Andrea J. Korson  
Signature of Person Mailing Correspondence

Andrea J. Korson  
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**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JL

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
087936, 159	03/17/97	FOSSEL	E

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HM12/0708

EXAMINER

FAULKNER, D

ART UNIT  
1617PAPER NUMBER  
10

DATE MAILED: 07/08/99



Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks